

Chapter 1

The Base Closure Process

Public Law 101-510

The National Defense Authorization Act for Fiscal Year 1991 (Title XXIX of Public Law 101-510, as amended) established new procedures for closing or realigning military installations inside the United States. The Act was amended by both the 1992 and 1993 National Defense Authorization Acts. The amended Act is at Appendix A.

The Act established an independent Defense Base Closure and Realignment Commission. The Commission is charged with reviewing the base closure and realignment recommendations of the Secretary of Defense during calendar years 1991, 1993, and 1995.

The Act specifies procedures which the Congress, the President, the Department of Defense (DoD), the General Accounting Office, the General Services Administration, and the Commission must follow, in order for bases to be closed or realigned inside the United States. The Act defines "United States" to be the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States. The Act also establishes certain thresholds for applicability of the Act to closures and realignments, which are those established in Section 2687, Title 10, United States Code (see Appendix B).

1993 DoD Base Closure Actions

Public Law 101-510 requires the Secretary of Defense to submit to the Congress and the Commission a force structure plan for fiscal years 1994 through 1999. The Act requires that the Secretary's recommendations for closure or realignment be based on this force structure plan. The unclassified version of the plan is in Chapter 2. The complete force structure plan, which was provided to the Commission and to the Congress, is classified SECRET.

Public Law 101-510 also requires the Secretary of Defense to develop criteria to be used in selecting bases for closure and realignment. In developing the criteria, the Secretary was required to publish proposed criteria in the Federal Register and solicit public comments. Chapter 3 describes the steps taken by DoD in developing the final criteria. The final criteria were subject to Congressional review between February 15, 1991, and March 15, 1991. The criteria became final on March 15, 1991.

On December 15, 1992, the Department of Defense published in the Federal Register a notice that DoD would use the final criteria approved in 1991 for the 1993 base closure process.

Under the law, the Secretary of Defense, no later than March 15, 1993, can publish in the Federal Register and transmit to the congressional defense committees and the Commission a list of military installations inside the United States that the Secretary recommends for closure or realignment on the basis of the force structure plan and the final criteria. This report describes the recommendations the Secretary made and transmitted to the Commission, the congressional defense committees, and the Federal Register on March 12, 1993. The list of military installations, the selection processes, and the recommendations and justifications are in Chapter 4. The Secretary's transmittal letter to the Commission is in Appendix C.

The selection process was not only based upon the force structure plan and the final criteria, but also upon policy guidance issued by the Department of Defense to the Military Departments and Defense Agencies regarding the 1993 base closure and realignment analysis process. These guidance memoranda are at Appendix D.

The 1993 Commission

The Defense Base Closure and Realignment Commission is established by law to review the Secretary of Defense's base closure and realignment recommendations. The members of the Commission are appointed by the President with the advice and consent of the United States Senate.

The Commission is required to conduct public hearings on the recommendations. The 1993 Commission must report to the President by July 1, 1993, on its findings, conclusions and recommendations for closures and realignments inside the United States.

The Commission may make changes in any of the Secretary's recommendations if the Commission determines that the Secretary deviated substantially from the force structure plan and the final criteria in making recommendations. The Commission is

required to explain and justify in its report to the President any recommendation that is different from the recommendations made by the Secretary. The Commission is further required to base any change on the force structure plan and the criteria, and to publish proposed changes and to hold public hearings on those changes.

The Role of the General Accounting Office

Public Law 101-510 requires the General Accounting Office (GAO) to monitor the activities, as they occur, of the Military Departments, the Defense Agencies and the Department of Defense in selecting bases for closure or realignment under the Act.

The GAO is required to provide the Commission and the Congress with a detailed analysis of the Secretary of Defense's recommendations and selection process. The GAO report, due by April 15, 1993, is also intended to describe how the DoD selection process was conducted and whether it met the requirements of the Act. In addition, the GAO is required to assist the Commission, if requested, with its review and analysis of the Secretary's recommendations.

The Role of the President

The President has an important role in establishing the Commission. The President nominates the eight commissioners and designates the Chairman of the Commission.

Public Law 101-510 specifies that the President is to receive the Commission's recommended closures and realignments by July 1, 1993. The President then approves or disapproves the Commission's recommendations by July 15, 1993. If the President approves all the Commission's recommendations, he reports his approval to the Congress.

If the President disapproves the Commission's recommendations, in whole or in part, he informs the Commission and the Congress of the reasons for that disapproval. Should the President disapprove the Commission's recommendations, the Commission has until August 15, 1993, to revise their recommendations and resubmit them to the President.

The President then approves or disapproves the Commission's revised recommendations by September 1, 1993. If the President approves all the revised recommendations, he reports his approval to the Congress.

Should the President not approve the revised recommendations by September 1, 1993, the 1993 procedures for selecting bases to be closed or realigned under the Act would be terminated.

The Role of the Congress

The Congress of the United States plays a number of important roles regarding defense base closures and realignments. First, Congress passed and amended Public Law 101-510, which established the exclusive procedures for selecting and carrying out domestic base closures and realignments (other than minor actions under section 2687; see Appendix B). In establishing these procedures, the Congress' purpose was to provide a fair process that will result in the timely closure and realignment of military installations inside the United States.

Second, Congress asked the President in Public Law 101-510 to consult with the Congressional leadership on his nominations of individuals to serve on the Commission. In addition, the United States Senate is required to confirm those nominations.

Third, Congress maintains oversight over the base closure procedures through:

- o Authority to disapprove by law the Secretary's final criteria,
- o Receipt of the Secretary of Defense's force structure plan,
- o Receipt of the Secretary's recommended closures and realignments, and other information submitted to the Commission,
- o Receipt of the General Accounting Office's report, and
- o The requirement that the Commission's proceedings, information, and deliberations be open, on request, to designated Members of Congress.

Fourth, Congress has provided itself an opportunity to accept or reject the Commission's recommendations in their entirety by enactment of a law under expedited legislative procedures. Congressional disapproval of the Commission's recommendations must be accomplished through a joint resolution of disapproval. The Congress established a 45-day period for its review, as computed under the law. The period begins on the date the President transmits his approval of the Commission's recommendations.

Finally, Congress must provide funds necessary to implement approved base closures and realignments.

Implementing Base Closures and Realignments

Chapter 5 contains a description of the public laws, regulations, and programs under which the Department of Defense implements approved base closures or realignments inside the United States.

Applicability of the National Environmental Policy Act

In establishing the new base closure and realignment procedures in Public Law 101-510, the Congress waived certain procedural elements of the National Environmental Policy Act (NEPA). This streamlined the environmental impact analysis process associated with closure and realignment decisions, while preserving all responsibilities for cleanup and compliance with other applicable laws and regulations.

Specifically, Public Law 101-510 waived the procedures of NEPA as it would have applied to the actions of DoD and the Commission in recommending bases for closure and realignment, and to the actions of the President in approving or disapproving the Commission's recommendations (see Appendix A).

DoD, in carrying out its responsibilities under Public Law 101-510, included environmental impact as one of the final criteria for selecting bases for closure or realignment (see Chapter 3). Consequently, while environmental impact analyses will not be accomplished under the provisions of NEPA for DoD's recommendations, the impact on the environment is a consideration in DoD's analysis. DoD wants to ensure, wherever possible, that environmental cleanup is not a barrier to economic recovery.

NEPA will apply to DoD's actions in disposing of property and relocating functions to receiving bases (see Chapter 5).

Overseas Basing

Chapter 2 contains a section on the need for overseas basing. However, as the United States reduces its overseas forces, ending or reducing operations at overseas sites has become an important part of Defense planning and budgeting.

The base closure and realignment procedures established by Public Law 101-510 for domestic bases do not apply to overseas bases.

The Secretary of Defense has the authority to end or reduce the operations of U.S. forces overseas. The Department of Defense carries out these actions in consultation with our allies and in accordance with the terms of international treaties or host nation agreements.

The Department of Defense has established an ongoing process to announce reductions or cessations of operations overseas. To date, DoD has announced it will end or reduce its operations overseas at sites accounting for 28 percent of plant replacement value. As the U.S. continues to drawdown its overseas forces over the next several years, additional overseas closures are anticipated which would bring the total drawdown of overseas sites to 35-40 percent of the overseas base structure.

Basing overseas is often different than basing in the United States. In the United States, the areas which make up a base (operations and maintenance areas, training areas, offices, barracks, family housing areas, recreation areas, shopping areas, etc.) are usually contiguous. Overseas, each area is often distinct, separate and intermingled with local towns, farms and industrial areas. These distinct sites are often grouped administratively into combinations which if contiguous would resemble U.S. bases.

DoD's Worldwide Base Structure

Appendix E provides a summary of DoD's worldwide base structure and a summary of domestic and overseas base reductions since 1988.